

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Claes Lindgren, et al.)	Examiner: Phi Dieu Tran A
)	
Serial No.: 10/612,386)	Art Unit: 3637
)	
Filing Date: July 2, 2003)	Confirmation No.: 3193
)	
For: SKYLIGHT WITH SEALING)	Customer No.: 62507
GASKET)	

APPEAL BRIEF

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Honorable Commissioner:

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The Applicants respectfully submit the enclosed Appeal Brief pursuant to 37 C.F.R. § 41.37, as well as the requisite fee as set forth in 37 C.F.R. § 41.20(b)(2). Notice of Appeal was filed on September 1, 2006. If any fee or extension of time is required to obtain entry of the Appeal Brief, Applicants hereby petition the Commissioner to grant any necessary time extension, and the undersigned hereby authorizes the Commissioner to pay from Deposit Account No. 50-3959 any such fee not submitted herewith.

Applicants request that the Examiner's final rejection of Claims 1 through 32 be reversed and that application be remanded to the Examiner for allowance.

I. REAL PARTY IN INTEREST

The assignee VKR Holding A/S is the real party in interest.

II. PUBLIC APPEALS AND INTERFERENCES

The Applicants, the Applicants' legal representative, and the assignee have no knowledge of other prior or pending appeals, interferences, or judicial proceedings that may be related to, directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 through 32 are pending. Applicants are appealing the final rejection of Claims 1 through 32.

IV. STATUS OF AMENDMENTS

No amendments to this application have been filed subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following summary of claimed subject matter is provided only pursuant to the requirements of 37 C.F.R. § 41.37(c)(v), not as a limitation upon the scope of the claims themselves.

The present invention describes and claims a skylight with sealing gasket for use with a curb. Claims 1, 13, 22, and 23 are independent claims.

With regard to Claim 1, in one embodiment a skylight (12 in Fig. 1; page 5, lines 23 through 30 in the application) with sealing gasket (32 in Fig. 2; page 7, lines 11 through 17 in the application) for use with a curb (14 in Fig. 5; page 6, line 5 in the application) is provided that includes a frame (22 in Fig. 1; page 7, line 4 in the application) defining an interior opening, the frame including an inner side surface (24 in Fig. 5; page 7, line 18 of the application) that will face an outer surface (18 in Fig. 5; page 7, line 19 of the application) of a curb (14 in Fig. 5, page 6, line 5 of the application) when the frame is installed upon the curb so as to define a first gap (26 in Fig. 5; page 7, line 19 of the application) therebetween, the frame also including a bottom surface (28 in Fig. 5; page 7, line 22 of the application) that will face an upper top surface (16 in Fig. 5; page 7, line 23 of the application) of the curb when installed upon the curb so as to define a second gap (30 in Fig. 5; page 7, line 22 of the application) therebetween. The embodiment further includes at least one light transmitting section (20 in Fig. 5; page 7, lines 1 through 4 of the application) disposed within the frame. The embodiment further includes a gasket (32 in Fig. 2; 32 in Fig. 5; page 7, lines 11 through 17 of the application) disposable between the frame and the curb and

between the light transmitting section and the curb, the gasket including a main body portion (34 in Fig. 2; 34 in Fig. 5; page 7, lines 30 through 31 in the application). The gasket's main body portion is disposed to contact the upper top surface of the curb and to contact the bottom surface of the light transmitting section and to extend across the second gap when the frame is installed upon the curb. The gasket also includes a first arm (36 in Fig. 2; 36 in Fig. 5; page 8, lines 7 through 8 in the application) extending from the main body portion, the first arm extendable across the first gap and contactable with the inner side surface of the frame when the frame is installed upon the curb.

With regard to Claim 13, in one embodiment a skylight (12 in Fig. 1; page 5, lines 23 through 30 in the application) with sealing gasket (32 in Fig. 2; page 7, lines 11 through 17 in the application) for use with a curb (14 in Fig. 5; page 6, line 5 in the application) is provided, comprising a frame (22 in Fig. 1; page 7, line 4 in the application) defining an interior opening, the frame including an inner side surface (24 in Fig. 5; page 7, line 18 of the application) that will face an outer surface (18 in Fig. 5; page 7, line 19 of the application) of a curb (14 in Fig. 5; page 6, line 5 in the application) when the frame is installed upon the curb so as to define a first gap (26 in Fig. 5; page 7, line 19 in the application) therebetween, the frame also including a bottom surface (28 in Fig. 5, page 7, line 22 in the application) that will face an upper top surface (16 in Fig. 5; page 7, line 23 of the application) of the curb when installed upon the curb so as to define a second gap (30 in Fig. 5; page 7, line 22 in the application) therebetween. The embodiment further includes at least one light transmitting section (20 in Fig. 5,

page 7, lines 1 through 4 in the application) disposed within the frame. The embodiment further includes a gasket (32 in Fig. 2; 32 in Fig. 5; page 7, lines 11 through 17 in the application) carried by the frame, the gasket (a) disposable between the frame and the curb, and (b) disposable between the light transmitting section and the curb. The gasket includes a main body portion (34 in Fig. 2; 34 in Fig. 5; page 7, lines 30 through 31 in the application), the main body portion disposed to contact the upper top surface of the curb to define a weather resistant seal therewith, and to contact the bottom surface of the light transmitting section to define a weather resistant seal therewith. The main body portion of the gasket also extends across the second gap when the frame is installed upon the curb to define a weather resistant seal therewith. The gasket further includes a first arm (36 in Fig. 2; 36 in Fig. 5; page 8, lines 7 through 8 in the application) extending from the main body portion, extendable across the first gap and contactable with the inner side surface of the frame when the frame is installed upon the curb, to define a weather resistant seal thereto. The gasket further includes a second arm (38 in Fig. 2; 38 in Fig. 5; page 8, lines 21 through 23 in the application) extending from the main body portion and contacting the inner side surface of the frame to define a weather resistant seal therewith.

With regard to Claim 22, in one embodiment a skylight (12 in Fig. 1; page 5, lines 23 through 30 in the application) with sealing gasket (32 in Fig. 2, page 7, lines 11 through 17 in the application) for use with a curb (14 in Fig. 5; page 6, line 5 in the application) is provided, comprising a frame (22 in Fig. 1; page 7, line 4 in the application) defining an interior opening. The frame includes an inner

side surface (24 in Fig. 5; page 7, line 18 in the application) that will face an outer surface (18 in Fig. 5; page 7, line 19 in the application) of a curb (14 in Fig. 5, page 6, line 5 in the application) when the frame is installed thereupon so as to define a first gap (26 in Fig. 5; page 7, line 19 in the application) therebetween. The frame also includes a bottom surface (28 in Fig. 5; page 7, line 22 in the application) that will face an upper top surface (16 in Fig. 5; page 7, line 23 in the application) of the curb when installed thereupon so as to define a second gap (30 in Fig. 5, page 7, line 22 in the application) therebetween. The frame also includes an inward protrusion (54 in Fig. 5; page 8, line 27 in the application) defining a lip. The embodiment further includes at least one light transmitting section (20 in Fig. 5; page 7, lines 1 through 4 in the application) disposed within the frame. The embodiment further includes a gasket (32 in Fig. 2; 32 in Fig. 5; page 7, lines 11 through 17 in the application) carried by the frame. The gasket is disposable between the frame and the curb, and is disposable between the light transmitting section and the curb. The gasket includes a main body portion (34 in Fig. 2; 34 in Fig. 5; page 7, lines 30 through 31 in the application) disposed to contact the upper top surface of the curb to define a weather resistant seal therewith, and to contact the bottom surface of the light transmitting section to define a weather resistant seal therewith and to extend across the second gap when the frame is installed upon the curb to define a weather resistant seal therewith. The gasket includes a first arm (36 in Fig. 2; 36 in Fig. 5; page 8, lines 7 through 8 in the application) extending from the main body portion, the first arm extendable across the first gap and contactable with the inner side surface of the

frame when the frame is installed upon the curb to define a weather resistant seal thereto. The gasket includes a second arm (38 in Fig. 2; 38 in Fig. 5; page 8, lines 21 through 23 in the application) extending from the main body portion and contacting the inner side surface of the frame to define a weather resistant seal therewith, the second arm contacting the lip. The gasket also includes a third (42 in Fig. 5, page 9, line 3 in the application) and fourth arm (44 in Fig. 5; page 9, line 3 in the application) extending from the main body portion and contacting the bottom surface of the light transmitting section. The gasket also includes a fifth arm (46 in Fig. 5, page 9, line 18 in the application) extending from the main body portion, the fifth arm having first (48 in Fig. 5; page 9, line 23 in the application) and second fingers (50 in Fig. 5, page 9, line 23 in the application) extending therefrom, such first and second fingers contactable with the upper top surface of the curb. The fifth arm has a third finger (52 in Fig. 5; page 10, line 7 in the application) extending in a direction opposite from the second finger. The first arm, the tip of the second arm, the third arm, the fourth arm, the first finger of the fifth arm, and the second finger of the fifth arm of the gasket are more flexible than the main body portion, the rest of the second arm, the third finger of the fifth arm, and the rest of the fifth arm.

With regard to Claim 23, in one embodiment a gasket (32 in Fig. 2; page 7, lines 11 through 17 in the application) is provided for use in sealing a framed skylight (12 in Fig. 1; page 5, lines 23 through 30 in the application) to a curb (14 in Fig. 5; page 6, line 5 in the application), wherein a gap (26 in Fig. 5; page 7, line 19 in the application) is defined between the skylight frame and the curb.

The gasket comprises a main body portion (34 in Fig. 2; 34 in Fig. 5; page 7, lines 30 through 31 in the application) disposable to contact an upper top surface (16 in Fig. 5; page 7, line 23 in the application) of a curb and disposable to contact a bottom surface (28 in Fig. 5; page 7, line 22 in the application) of a light transmitting section (20 in Fig. 5; page 7, lines 1 through 4 in the application) of a skylight, and a first arm (36 in Fig. 2; 36 in Fig. 5; page 8, lines 7 through 8 in the application) extending from the main body portion, the first arm contactable with an inner side surface (24 in Fig. 5; page 7, line 18 in the application) of a skylight frame and sealing the gap.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1 through 7, 9 through 10, 11 through 14, 16 through 30, and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Weiss*, U. S. Patent No. 5, 682,713;

B. Claims 1 through 2, 6 through 8, 11, 13, 15, 23 through 24, and 31 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Wasserman*, U. S. Patent No. 3,034,260.

VII. ARGUMENT

"Anticipation" under 35 U.S.C. § 102 requires that the invention not in fact be new. See, e.g., *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 299, 302, 36 USPQ2d 1101, 1103 (Fed. Cir. 1995)("lack of novelty (often called 'anticipation') requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee").

Anticipation requires "the presence in a single prior art disclosure of all elements of a claimed invention arranged as in that claim." *Carella v. Starlight Archery & Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1998)(quoting *Panduit Corp. v. Dennison Mfg. Co.*, 774 F.2d 1082, 1101 (Fed. Cir. 1985))(additional citations omitted). An "anticipating" reference must describe all of the elements and limitations of the claim in a single reference, and enable one of skill in the field of the invention to make and use the claimed invention. *Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1378-79 (Fed. Cir. 2001); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989). To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990); see MPEP § 2131.

The principle of law is embodied in the truism that, "That which infringes if later anticipates if earlier." *Polaroid Corp. v. Eastman Kodak Co.*, 789 F.2d 1556,

1573 (Fed. Cir. 1986)(citing *Peters v. Active Mfg. Co.*, 129 U.S. 530, 537 (1889)). See generally *Lewmar Marine, Inc. v. Barent, Inc.*, 827 F.2d 744, 747 (Fed. Cir. 1987).

To serve as an anticipating reference, the reference must enable that which it is asserted to anticipate. "A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosures cited as prior art are not enabled." *Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1354 (Fed. Cir. 2003). See *Bristol-Myers Squibb, supra* at 1374 (Fed. Cir. 2001)("To anticipate the reference must also enable one of skill in the art to make and use the claimed invention."); *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996)("To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter").

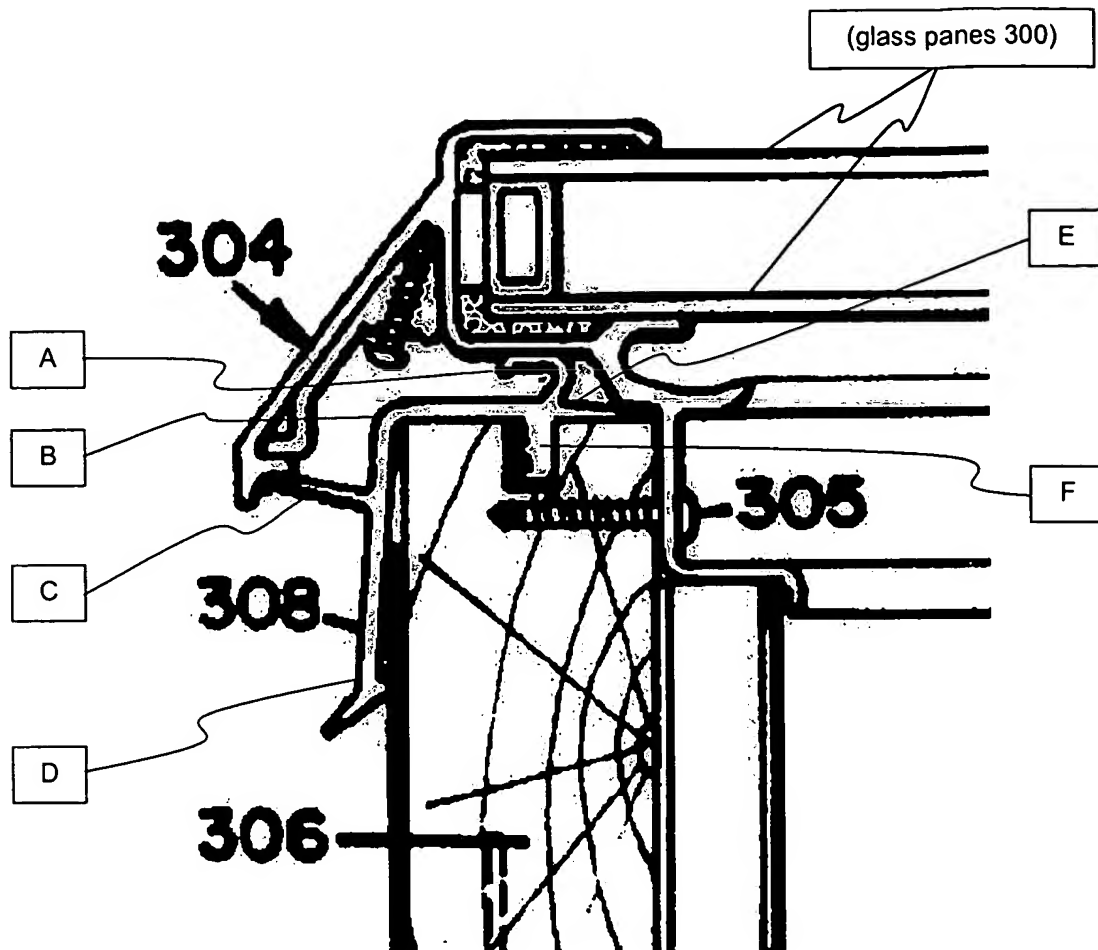
A prior art reference may anticipate when the claim limitations not expressly found in that reference are nonetheless inherent in it. See, e.g., *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342 (Fed. Cir. 1999); *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). "Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it anticipates." *MEHL/Biophile Int'l Corp. v. Milgraum*, 192 F.3d 1362, 1365 (Fed. Cir. 1999).

"Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient." *Cont'l Can Co. USA, Inc. v. Monsanto Co.*, 948

F.2d 1264, 1269 (Fed. Cir. 1991)(emphasis in original)(citations omitted). “To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence[; however, s]uch evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.” *Cont’l Can, supra* at 1268. A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not merely probably or possibly present. *Rosco v. Mirror Lite*, 304 F.3d 1373, 1380 (Fed. Cir. 2002). “[T]he dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference’s teaching that every claim [limitation] was disclosed in that single reference.” *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368 (Fed. Cir. 2003)(internal quotation marks and alterations omitted).

A. U. S. Patent No. 5, 682,713 (“Weiss”) Does Not Anticipate Claims 1 through 7, 9 through 10, 11 through 14, 16 through 30, and 32

Review of the *Weiss* patent, in view of the legal principles articulated on pages 13 through 15 above, confirms that it does not anticipate Applicants’ invention. Analysis of the issue is aided by reference to Fig. 4 from *Weiss*, a portion of which is depicted below with additional labeling that will be used for reference in this Brief:



Weiss's component 304 is a sash. See *Weiss*, Col. 3, lines 15 through 25. As can be seen, sash 304 is disposed around the peripheral edge of the glass panes (labeled component 300 in the full version of Fig. 4), and extends downward about skylight frame 306. In *Weiss*, it is sash 304, and only sash 304, that contacts the bottom surface of the glass panes 300. Component 308 is disclosed and shown in *Weiss* to be a frame gasket. See Fig. 4 and Col. 3, line 20. *Weiss*'s gasket 308 does not contact the bottom surface of the light transmitting section, as described in Claim 1 of Applicants' application. Instead, *Weiss*'s gasket 308 contacts only frame 306 and sash 304. What the Examiner

described in the June 2, 2006 Office Action as “the part which is attached by screw 305” is, in fact, sash 304, as is apparent in Figure 4.

Of the components labeled above as A through F, it is unclear whether Weiss’s gasket 308 even includes a main body portion. If gasket 308 includes what might be understood to be a “first arm,” such component may be understood as component “C” in the figure depicted above, as extending across a gap and contacting the inner side surface of the sash 304. It is also unclear whether Weiss’s gasket 308 includes a second arm; perhaps it may be guessed that the component labeled “A” in the figure depicted above is a second arm contacting not the inner side surface of the sash 304 but instead a bottom surface. If the component labeled above as “E” could possibly be understood to be a third arm extending from a main body portion and contacting the bottom surface of sash 304 (but not glass panes 300), then there exists in gasket 308 no fourth arm likewise extending from any main body portion and contacting the bottom surface of the skylight. Further, there exists no fifth arm extending from the main body portion and contacting the upper top surface of frame 306.

1. Claim 1

Turning to Applicants’ application, Claim 1 describes a light transmitting section disposed within a frame and a gasket disposable between the frame and a curb and between the light transmitting section and the curb, the gasket including a main body portion, the main body portion disposed to contact the upper top surface of the curb and to contact the bottom surface of the light transmitting section.

In these regards, the Applicants respectfully disagree with the Examiner's interpretation of *Weiss*. In the June 2, 2006 Office Action, the Examiner asserts that *Weiss* shows "at least one light transmitting section (300) disposed within the frame (304), and a gasket (part 308 and the part which is attached by screw 305) disposable between the frame and the curb and between the light transmitting section and the curb" (parentheticals included in Examiner's Office Action). However, *Weiss* contains no such disclosure. As is explained in *Weiss*, and as discussed above, in *Weiss*'s Fig. 4, component 304 is a sash. Component 308 is disclosed and shown in *Weiss* to be a frame gasket. See Fig. 4 and Col. 3, line 20. *Weiss*'s gasket 308 does not contact the bottom surface of the light transmitting section, as described in Claim 1 of Applicants' application. Instead, *Weiss*'s gasket 308 contacts only curb 306 and sash 304. What the Examiner describes as "the part which is attached by screw 305" is, in fact, sash 304. This is plainly evident in Figure 4 and is described in *Weiss*'s specification at Col. 3, lines 17 through 19. Therefore, *Weiss* does not disclose all of the elements in Applicants' invention as claimed in Claim 1 – *Weiss* does not disclose a gasket that contacts both the upper top surface of the curb and the bottom surface of the light transmitting section. As outlined above, 35 U.S.C. § 102 requires that every element and limitation of the claimed invention be found in a single prior art reference arranged as in the claim. *Weiss* does not, therefore, anticipate Claim 1.

2. Claim 2

Claim 2 depends from Claim 1, and further provides that the gasket have a second arm extending from the main body portion and contacting the inner side surface of the frame. The Examiner misapprehends *Weiss* to include such a second arm, as described in the June 2, 2006 Office Action as “the part which supports the glass pane and the part that extends into the curb.” But what supports the glass pane in the *Weiss* apparatus plainly is sash 304. Furthermore, *Weiss*’s gasket 308 does not support sash 304; sash 304 rests upon curb 306. By definition, Claim 2’s “second arm” contacts the inner surface of the frame, and therefore cannot be as was articulated by the Examiner as such a part that supports the glass pane and extends into the curb. In *Weiss*, it is the sash that supports the glass pane.

3. Claim 3

Claim 3 depends from Claim 1, and further provides that the first arm is more flexible than the main body portion. The Examiner asserted that the first arm of *Weiss* is inherently more flexible “as the part tapers along its length and thinner than the main body.” However, as outlined above, the law requires that, for inherency, the missing descriptive feature is necessarily present in the reference. It is not clear which portion of *Weiss*’s gasket 308 the Examiner referred to as the first arm, but what is clear is that any portion of *Weiss*’s gasket 308 may be stiffer or more flexible; we do not know from *Weiss*’s disclosure nor is it necessarily so that any portion be more flexible. For example, certain features of *Weiss*’s gasket 308 may be manufactured of stiffer material and, even

though tapering, be more stiff rather than more flexible – Applicants’ application teaches as much. Furthermore, if the portion of *Weiss*’s gasket 308 that is referenced by the Examiner as the first arm is that portion upon which frame 304 resides (labeled as “A” in the figure on page 16 above), it is not apparent from any disclosure in *Weiss* that that portion tapers.

4. Claim 4

Claim 4 depends from Claim 2, and further provides that the second arm have a tip that is more flexible than the rest of the second arm. This tip, 40 in Figure 5 of Applicants’ application, is plainly apparent. However, no such tip is apparent in any disclosure from *Weiss*. Moreover, as described in the preceding paragraph, notwithstanding the Examiner’s assertion, nowhere in *Weiss* is it necessarily so that any portion of gasket 308 be more flexible than any other portion.

5. Claim 5

Claim 5 depends from Claim 1, and further provides for a third and fourth arm extending from the main body of the gasket and contactable with the bottom surface of the skylight, the third and fourth arms being more flexible than the main body portion. As is apparent with reference to Figure 5 of Applicants’ application, Applicants’ invention provides for not only the main body of 34 being in contact with the bottom surface of the light transmitting section, but also third and fourth arms contactable with the bottom surface of the skylight. Gasket 308 disclosed in *Weiss* simply does not have as many “appendages” as has been claimed by Applicants, nor do those arms contact the bottom surface of the

skylight – there exists no “fourth arm” contactable with the bottom surface of the skylight. Presumably according to the Examiner’s reasoning, the components labeled “C,” “A,” and “E” in the figure above are to be thought of as the first, second, and third arms, respectively. While Applicants do not agree with such reasoning, even if it is accurate there remains in *Weiss’s* gasket 308 no “fourth arm” contactable with the bottom surface of the skylight.

6. Claim 6

Claim 6 depends from Claim 1, and provides that the gasket have a fifth arm extending from the main body, contactable with the upper top surface of the curb. The Examiner describes that fifth arm as “the arm opposite the part that supports the pane,” but the Examiner has already erroneously defined such portion as the second arm. As noted in the preceding paragraph, *Weiss’s* gasket 308 simply does not have enough features that can be misunderstood as “arms” so as to anticipate Claim 6. There exists no other arm that is contactable with the upper top surface of the curb.

7. Claim 7

Claim 7 depends from Claim 6, and further provides that the fifth arm have first and second fingers contactable with the upper top surface of the curb and more flexible than the rest of the fifth arm. The portion of *Weiss’s* gasket 308 that might be seen to have “fingers” is the portion that extends into the curb, but the Examiner has defined that portion to be either the main body portion or the second arm (it is unclear which), so it cannot be a “fifth arm.”

8. Claim 9

Claim 9 depends from Claim 2, and patentably defines over *Weiss* for the reasons described above with reference to Claims 1 and 2.

9. Claim 10

Claim 10 depends from Claim 9, and further provides that the second arm is secured to the lip of the skylight. *Weiss* contains no disclosure of any "arm" of gasket 308 being secured to a lip on a skylight, nor is any such functionality inherent.

10. Claim 12

Claim 12 depends from Claim 1, and further provides that certain portions of the gasket be more flexible than other portions. No such disclosure is provided in *Weiss*, nor is such a limitation inherently present from the disclosure in *Weiss*. Additionally, the Examiner did not address such limitation in the June 2, 2006 Office Action.

11. Claim 13

With regard to Claim 13, *Weiss* does not disclose a gasket contacting the bottom surface of the light transmitting section 300 to define a weather resistant seal therewith. As explained above, the apparatus in *Weiss* includes sash 304, and it is only sash 304 that contacts the bottom surface of the light transmitting section. If a weather proof seal exists in *Weiss* between the bottom of the light transmitting section and any other component, it must be sash 304, and no other, that creates such a water tight seal. By comparison, Claim 13 defines its gasket

as contacting the bottom surface of the light transmitting section to define a weather resistant seal therewith. Accordingly, the dictates of 35 U.S.C. §102 have not been met by *Weiss* with regard to Claim 13, as every element and limitation of the claimed invention cannot be found arranged as in Claim 13. Accordingly, *Weiss* does not anticipate Claim 13.

12. Claim 14

Claim 14 further provides that the second arm have a tip that is more flexible than the rest of the second arm. Whatever might be understood to be a second arm in *Weiss*'s gasket 308, if any, no disclosure in *Weiss* inherently requires that the tip be more flexible than the rest of the arm.

13. Claim 16

Claim 16 depends from Claim 13, and is not anticipated by *Weiss* for the reasons described above with reference to Claim 13.

14. Claim 17

Claim 17 further provides that the second arm is secured to the lip of the frame. *Weiss* includes no such disclosure. Whatever might be understood to be a second arm in *Weiss*'s gasket 308, if any such second arm exists, there exists no disclosure in *Weiss* of securing it to the lip of a frame.

15. Claim 18

Claim 18 further provides that the first arm be more flexible than the main body portion. As described above, it is unclear from the Examiner's Office Action what part, if any, of gasket 308 is a main body portion. What is clear, however, is

that *Weiss* includes no disclosure that necessarily requires any such portion to be more or less flexible than any other such portion. As described above, the law allows a reference to anticipate a claim limitation even if the limitation is not expressly found in the reference, but the law unmistakably requires that the reference necessarily function in accordance with the claim limitation. No such necessity is found in *Weiss*.

16. Claim 19

Claim 19 further provides that the gasket have a third and fourth arm extending from the main body portion and contacting the bottom surface of the light transmitting section, the third and fourth arms being more flexible than the main body portion. As explained above with reference to Claim 5, gasket 308 in *Weiss* simply does not have enough appendages that any might be concluded to be a fourth arm contacting the bottom surface of the light transmitting section. Moreover, as repeatedly referenced above, under the legal principles of inherency, nothing in *Weiss* necessarily requires greater or lesser flexibility on any portion of *Weiss's* gasket 308.

17. Claim 20

Claim 20 further provides that the gasket have a fifth arm extending from the main body portion with first and second fingers extending therefrom, the first and second fingers contactable with the upper top surface of the curb and more flexible than the rest of the fifth arm. As explained above with reference to Claims 6 and 7, no such feature exists in *Weiss's* gasket 308, nor is greater flexibility inherent in *Weiss's* disclosure.

18. Claim 21

Claim 21 further provides that portions of the gasket be more flexible than other portions of the gasket. As discussed repeatedly above, no such inherency results from *Weiss*. The mere fact that a certain thing may result from a given set of circumstances is not sufficient, and *Weiss* includes no necessity of such flexibility differentiation.

19. Claim 22

Claim 22 provides for a gasket with a main body portion disposed to contact the upper top surface of a curb and the bottom surface of a light transmitting section, to define weather resistant seals therewith. As discussed above with reference to Claims 1 and 13, no portion of *Weiss*'s gasket 38 meets such a limitation; no portion of *Weiss*'s gasket 308 contacts the bottom surface of the light transmitting section. Instead, only sash 304 contacts the bottom surface of the light transmitting section of the *Weiss* apparatus. Claim 22 further provides for third and fourth arms extending from the main body portion and contacting the bottom surface of the light transmitting section. *Weiss* includes nothing that could even arguably be construed as such a fourth arm. No portion of the *Weiss* gasket 308 contacts the light transmitting section, much less third and fourth arms. Claim 22 further provides for a fifth arm that has first, second, and third fingers, the third finger extending oppositely from the second finger. But *Weiss* includes no such fifth arm or an arm with three fingers. Finally, Claim 22 provides that the first arm, the tip of the second arm, the third arm, the fourth arm, the first finger of the fifth arm, and the second finger of the fifth arm being

more flexible than the main body portion, the rest of the second arm, the third finger of the fifth arm, and the rest of the fifth arm. *Weiss* is barren of any such disclosure. Furthermore, such features are not necessarily present in the *Weiss* gasket 308, under the legal principles of inherency articulated above in this Brief. Accordingly, *Weiss* does not anticipate Claim 22.

20. Claim 23

Claim 23 provides for a gasket for use in sealing a frame skylight to a curb, the gasket including a main body portion disposable to contact and upper top surface of a curb and a bottom surface of a light transmitting section of a skylight. As discussed above repeatedly with reference to other claims, no portion of *Weiss*'s gasket 308 contacts a bottom surface of a light transmitting section of the *Weiss* skylight apparatus.

21. Claim 24

Claim 24 depends from Claim 23, and further provides that the gasket have a second arm contactable with the inner side surface of a skylight frame. Claim 24 is not anticipated by *Weiss*, for at least the reasons described above with reference to Claim 23.

22. Claim 25

Claim 25 provides that the first arm be more flexible than the main body portion. As discussed above repeatedly, nothing in *Weiss* discloses differentiated flexibility between any relative portions of gasket 308.

23. Claim 26

Claim 26 depends from Claim 24, and provides that the second arm have a tip that is more flexible than the rest of the second arm. As discussed above with reference to Claim 4, nothing in *Weiss* discloses a second arm with a tip, nor is it necessarily inherent that any distal portion of any appendage that might be found in gasket 308 be more or less flexible than the remainder of the appendage.

24. Claim 27

Claim 27 depends from Claim 23, and further provides that the gasket have a third and fourth arm contactable with the bottom surface of the light transmitting section, and that the third and fourth arms be more flexible than the main body portion. As discussed above with reference to Claims 5 and 19, no fourth arm contactable with the bottom surface of the light transmitting section can be counted amongst anything that might be considered an appendage in *Weiss's* gasket 308, nor any disclosed or inherent difference in the flexibility of any such arms.

25. Claim 28

Claim 28 depends from Claim 23, providing that the gasket have a fifth arm contactable with the upper top surface of the curb. For the same reasons discussed above with reference to Claims 6 and 20, *Weiss* does not anticipate Claim 28.

26. Claim 29

Claim 29 depends from Claim 28, providing that the fifth arm have first and second fingers. For the same reasons discussed above with reference to Claims 7 and 20, *Weiss* does not anticipate Claim 29.

27. Claim 30

Claim 30 depends from Claim 29, and provides that the fifth arm have a third finger extending oppositely from the second finger and less flexible than the first and second fingers of the fifth arm. As discussed above with reference to Claims 8 and 20, *Weiss* does not anticipate Claim 30.

28. Claim 32

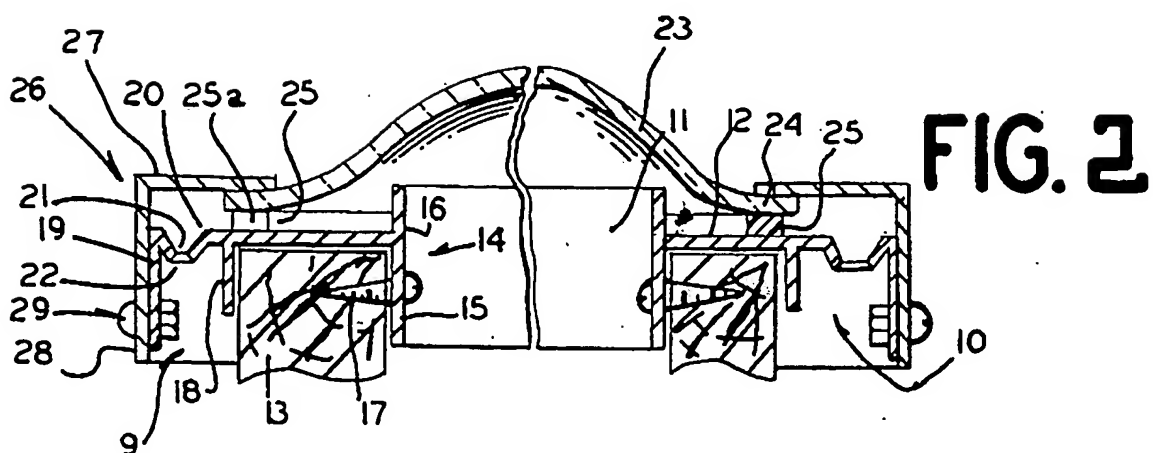
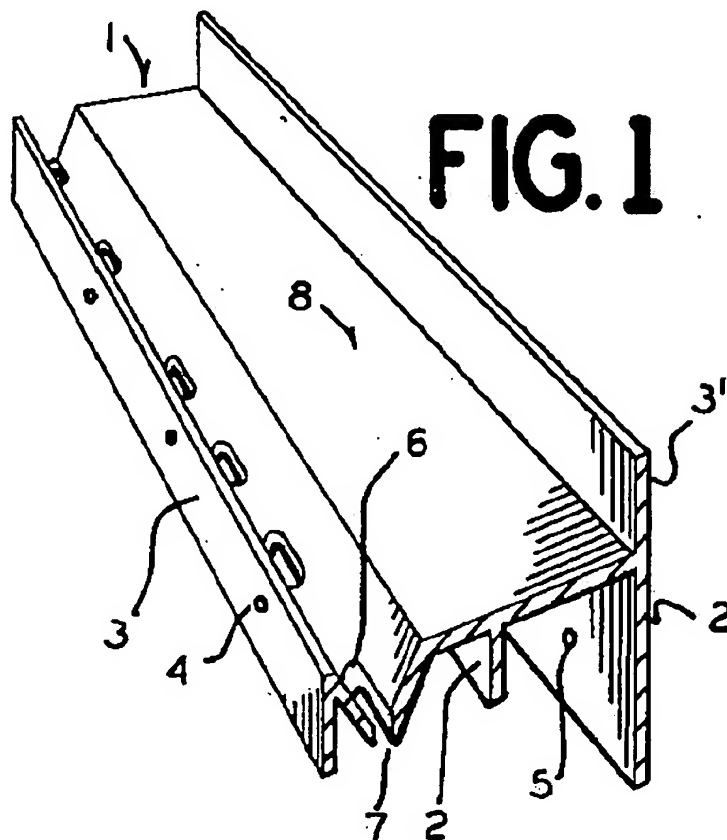
Claim 32 depends from Claim 23, further providing that portions of the gasket could be more flexible than other portions of the gasket. Claim 32 is not anticipated by *Weiss* for the same reasons as those discussed above with reference to Claims 12 and 21.

For at least the foregoing reasons, then, *Weiss* does not anticipate Claims 1 through 7, 9 through 10, 11 through 14, 16 through 30, or 32 of Applicants' application.

B. U. S. Patent No. 3,034,260 ("*Wasserman*") Does Not Anticipate Claims 1 through 2, 6 through 8, 11, 13, 15, 23 through 24, and 31

Review of the *Wasserman* patent, in view of the legal principles articulated on pages 13 through 15 above, confirms that it does not anticipate Applicants'

invention. Analysis of this issue is aided by reference to Figs. 1 and 2 from Wasserman, depicted below:



Wasserman describes component 1 in Figure 1 to be “curb frame.” Col. 1, lines 51 through 52. It is this component that the Examiner urges as anticipating the Applicants’ claimed invention.

Wasserman distinguishes between the curb frame 1 and a gasket: the gasket is depicted as component 25 in Figure 2. Col. 2, line 65. It is upon gasket 25, not upon curb frame 1, that the light transmitting section 23 rests:

- “The outwardly extending flanges 24 of the plastic dome 23 resting on a gasket 25....” (Col. 2, lines 63 through 65).
- “means disposed between the peripheral flange of the dome and the upper surface of the covering web....” (Col. 3, lines 33 through 36; Col. 3, lines 55 through 59);
- “means disposed between the peripheral flange of the dome and the covering web....” (Col. 4, lines 7 through 11; Col. 4, lines 24 through 28); and
- “means spacing the flared edge of the dome from the top flange....” (Col. 4, lines 41 through 43)

No disclosure in *Wasserman* provides for any element of the curb frame 1 to have any contact whatsoever with light transmitting section 23. Furthermore, such a limitation cannot be inherent in *Wasserman*, as *Wasserman* expressly provides instead for gasket 25 to have such contact and contemplates no alternative to such a configuration.

1. Claim 1

Turning to Applicants' claims, Claim 1 describes a light transmitting section disposed within a frame and a gasket disposable between the frame and a curb and between the light transmitting section and the curb. The gasket including a main body portion, the main body portion disposed to contact the upper top surface of the curb and to contact the bottom surface of the light transmitting section. *Wasserman's* apparatus does not anticipate such an invention. Presumably, the Examiner refers to component 1, shown in Figure 1 of *Wasserman*, as a gasket. It should be noted that *Wasserman's* inventor did not define it the same way – *Wasserman* expressly distinguishes between that component, which he defines as curbing, and a gasket, which is depicted as component 25 in Figure 2. Moreover, *Wasserman's* curb frame 1 does not include every element and limitation of Claim 1 as arranged in Claim 1. If *Wasserman's* curb frame 1 can be understood to be a gasket, as urged by the Examiner, no portion of component 1 is disposed to contact the bottom surface of the light transmitting section. The light transmitting section of the *Wasserman* apparatus is component 23. As clearly shown in Figure 2, disposed between light transmitting section 23 and curb frame 1 is gasket 25. Gasket 25 prevents any contact between component 1 and light transmitting section 23. In fact, *Wasserman's* disclosure is pristine in insisting upon such separation between light transmitting section 23 and curb frame 1: "the outwardly extending flanges 24 of the plastic dome 23 resting on a gasket 25 (Col. 2, lines 63 through 65); "means disposed between the peripheral flange of the dome and the upper

surface of the covering web” (Col. 3, lines 33 through 36; Col. 3, lines 55 through 59); “means disposed between the peripheral flange of the dome and the covering web” (Col. 4, lines 7 through 11; Col. 4, lines 24 through 28); and “means spacing the flared edge of the dome from the top flange” (Col. 4, lines 41 through 43). At no point does *Wasserman* disclose his curb flange, urged by the Examiner to constitute a gasket, to contact the bottom surface of the light transmitting section. For these reasons, *Wasserman* does not anticipate Applicants’ invention claimed in Claim 1.

2. Claim 2

Claim 2 depends from Claim 1, and further provides that the gasket have a second arm extending from the main body portion and contacting the inner side surface of the frame. The Examiner suggests that flange 3 in Figure 1, which is also component 19 in Figure 2, is a “first arm extending from the main body portion across the first gap and contactable with the inner side surface of the frame when the frame is installed on the curb.” If such is the case, which is not admitted by Applicants, there remains no other portion of *Wasserman*’s curb frame 1 that contacts the inner side surface of the frame. Yet Applicants’ Claim 2 provides not only a first arm but also a second arm contacting the inner side surface of the frame. For that reason, *Wasserman* does not anticipate Applicants’ Claim 2.

3. Claim 6

Claim 6 depends from Claim 1, and provides that the gasket have a fifth arm extending from the main body, contactable with the upper top surface of the

curb. However, *Wasserman's* apparatus only includes a single structure contactable with the upper top surface of curb 13: plate 8 as depicted in Figure 1. But Claim 6 depends from Claim 1, and Claim 1 requires also a main body portion disposed to contact the upper top surface of the curb. And Claim 6 requires yet a second structure contactable with that upper top surface, yet *Wasserman's* curb frame includes no such second structure. For at least these reasons, then, *Wasserman* does not anticipate the invention of Applicants' Claim 6.

4. Claim 7

Claim 7 depends from Claim 6, and further provides that the fifth arm have first and second fingers contactable with the upper top surface of the curb and more flexible than the rest of the fifth arm. Nothing of such structure is disclosed or is inherent in *Wasserman*. As discussed in the immediately preceding paragraph, *Wasserman's* curb frame includes no such fifth arm. Additionally, nothing within the disclosure of *Wasserman* can be understood to be first and second fingers contactable with the upper top surface of the curb. Furthermore, *Wasserman* includes no disclosure nor any inherent necessity for any portion of its curb frame to be either more or less flexible than any other portion. Indeed, *Wasserman* expressly provides to the contrary: "While some of these elements may be made thicker than others, each element is strictly designed for its load and is joined to other elements in a homogenous metal extrusion without any strains being put on different parts by forming or bending." Col. 2, lines 8 through

13. For at least these reasons, then, *Wasserman* does not anticipate Applicants' Claim 7.

5. Claim 8

Claim 8 depends from Claim 7, and further provides that the fifth arm have a third finger extending in a direction opposite from the second finger, and the first and second fingers being more flexible than the third finger and the main body portion. *Wasserman* is devoid of anything that might even imaginably be conceived as a fifth arm with first, second, and third fingers or any differentiation in the flexibility of such fingers.

6. Claim 11

Claim 11 depends from Claim 2, and provides that a second arm have at least one drainage opening therethrough. Claim 11 is not anticipated by *Wasserman*, for at least the reasons described above with reference to Claims 1 and 2.

7. Claim 13

Claim 13 provides, among other things, for a gasket disposate between the light transmitting section and the curb, to include a main body portion disposed to contact the upper top surface of the curb to define a weather resistant seal therewith and to contact the bottom surface of the light transmitting section to define a weather resistant seal therewith, along with a second arm extending from the main body portion and contacting the inner side surface of the frame to define a weather resistant seal therewith. *Wasserman's* curb frame 1 is

not disclosed to define a weather resistant seal with the upper top surface of the curb, it is merely configured to interfit over it. Additionally, *Wasserman's* curb frame does not contact the bottom surface of the light transmitting section, as described above with reference to Claim 1. Furthermore, *Wasserman's* curb frame does not define a weather resistance seal between the curb frame and the bottom surface of the light transmitting section, because *Wasserman* himself repeatedly prescribes the use of gasket 25 between curb frame 1 and light transmitting section 23, the references to which are enumerated above with regard to Claim 1. Finally, nothing in *Wasserman* can be construed to constitute a second arm extending from a main body portion and defining a weather resistant seal with the inner side surface of the frame. No such second arm exists in *Wasserman*, nor can it be gained from *Wasserman* that any such weather resistant seal is formed with the non-existent second arm. For these reasons, *Wasserman* does not anticipate Claim 13.

8. Claim 15

Claim 15 depends from Claim 13, providing further that the second arm have at least one drainage opening therethrough. *Wasserman* does not anticipate Claim 15, for the reasons expressed above as to Claims 13 and 1. Furthermore, no second arm exist in the *Wasserman* apparatus, therefore there cannot exist drainage openings through the non-existent second arm.

9. Claim 23

Claim 23 provides for a gasket for use in sealing a frame skylight to a curb, the gasket including a main body portion disposable to contact an upper top

surface of a curb and a bottom surface of a light transmitting section of a skylight. As discussed above repeatedly with reference to other claims, no portion of *Wasserman's* curb frame contacts a bottom surface of light transmitting section 23; *Wasserman*, to the contrary, provides for such contact by gasket 25, and gasket 25 does not contact the upper top surface of curb 13.

10. Claim 24

Claim 24 depends from Claim 23, and further provides that the gasket have a second arm contactable with the inner side surface of the skylight frame. Claim 24 is not anticipated by *Wasserman*, for at least the reasons described above with reference to Claim 23, 13, and 2 – *Wasserman's* apparatus has nothing that can be conceived of as a second arm.

11. Claim 31

Claim 31 depends from Claim 24, and further provides that the second arm have at least one drainage opening therethrough. *Wasserman* does not anticipate Claim 31, because *Wasserman's* apparatus includes nothing that can be interpreted as a second arm through which a drainage opening may exist. For at least these reasons, then, *Wasserman* does not anticipate Applicants' Claim 31.

VIII. Claims Appendix

See attached listing of pending claims involved in this appeal.

IX. Evidence Appendix

The Applicants do not rely on any evidence entered in this appeal.


X. Related Proceedings Appendix

The Applicants are not aware of any decision rendered by a court or the Board in any related appeals or interferences.

For at least the reasons discussed above, the Applicants respectfully submit that the final rejection of Claims 1 through 32 should be reversed and that the application be remanded to the Examiner for allowance.

Respectfully submitted,

November 1, 2006



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APPENDIX A – PENDING CLAIMS

The following is a listing of the claims involved in this appeal:

1. A skylight with sealing gasket for use with a curb, comprising:
 - a frame defining an interior opening, the frame including an inner side surface that will face an outer surface of a curb when the frame is installed thereupon so as to define a first gap therebetween, the frame also including a bottom surface that will face an upper top surface of the curb when installed thereupon so as to define a second gap therebetween;
 - at least one light transmitting section disposed within the frame; and
 - a gasket disposable between the frame and the curb and between the light transmitting section and the curb, the gasket including a main body portion, the main body portion disposed to contact the upper top surface of the curb and to contact the bottom surface of the light transmitting section and to extend across the second gap when the frame is installed upon the curb, the gasket also including a first arm extending from the main body portion, the first arm extendable across the first gap and contactable with the inner side surface of the frame when the frame is installed upon the curb.
2. The skylight with sealing gasket of claim 1, wherein the gasket has a second arm extended from the main body portion, the second arm contacting the inner side surface of the frame.

3. The skylight with sealing gasket of claim 1, wherein the first arm is more flexible than the main body portion.
4. The skylight with sealing gasket of claim 2, wherein the second arm has a tip that is more flexible than the rest of the second arm.
5. The skylight with sealing gasket of claim 1, wherein the gasket has a third and fourth arm extending from the main body portion and contactable with the bottom surface of the skylight, the third and fourth arms are more flexible than the main body portion.
6. The skylight with sealing gasket of claim 1, wherein the gasket has a fifth arm extending from the main body portion and contactable with the upper top surface of the curb.
7. The skylight with sealing gasket of claim 6, wherein the fifth arm has first and second fingers extending therefrom contactable with the upper top surface of the curb, the first and second fingers are more flexible than the rest of the fifth arm.
8. The skylight with sealing gasket of claim 7, wherein the fifth arm has a third finger extending in a direction opposite from the second finger, and wherein

the first and second fingers are more flexible than the third finger and the main body portion.

9. The skylight with sealing gasket of claim 2, wherein the frame includes an inward protrusion defining a lip, and the second arm contacts the lip.

10. The skylight with sealing gasket of claim 9, wherein the second arm is secured to the lip of the skylight.

11. The skylight with sealing gasket of claim 2, wherein the second arm has at least one drainage opening therethrough.

12. The skylight with sealing gasket of claim 1, wherein certain portions of the gasket are more flexible than other portions of the gasket.

13. A skylight with sealing gasket for use with a curb, comprising:
a frame defining an interior opening, the frame including an inner side surface that will face an outer surface of a curb when the frame is installed thereupon so as to define a first gap therebetween, the frame also including a bottom surface that will face an upper top surface of the curb when installed thereupon so as to define a second gap therebetween;
at least one light transmitting section disposed within the frame; and
a gasket carried by the frame, the gasket:

disposable between the frame and the curb, and
disposable between the light transmitting section and the curb, and
including a main body portion, the main body portion disposed to
contact the upper top surface of the curb to define a weather
resistant seal therewith, and to contact the bottom surface of the
light transmitting section to define a weather resistant seal
therewith and to extend across the second gap when the frame is
installed upon the curb to define a weather resistant seal therewith,
and
including a first arm extending from the main body portion, the first
arm extendable across the first gap and contactable with the inner
side surface of the frame when the frame is installed upon the curb
to define a weather resistant seal thereto, and
a second arm extending from the main body portion and contacting
the inner side surface of the frame to define a weather resistant
seal therewith.

14. The skylight with sealing gasket of claim 13, wherein the second arm has a tip that is more flexible than the rest of the second arm, and wherein the tip of the second arm contacting the inner side surface of the frame.

15. The skylight with sealing gasket of claim 13, wherein the second arm has at least one drainage opening therethrough.

16. The skylight with sealing gasket of claim 13, wherein the frame includes an inward protrusion defining a lip, and the second arm contacts the lip.

17. The skylight with sealing gasket of claim 16, wherein the second arm is secured to the lip of the frame.

18. The skylight with sealing gasket of claim 13, wherein the first arm is more flexible than the main body portion.

19. The skylight with sealing gasket of claim 13, wherein the gasket has a third and fourth arm extending from the main body portion and contacting the bottom surface of the light transmitting section, the third and fourth arms are more flexible than the main body portion.

20. The skylight with sealing gasket of claim 13, wherein the gasket has a fifth arm extending from the main body portion and has first and second fingers extending therefrom, the first and second fingers of the fifth arm contactable with the upper top surface of the curb, the first and second fingers are more flexible than the rest of the fifth arm.

21. The skylight with sealing gasket of claim 13, wherein portions of the gasket are more flexible than other portions of the gasket.

22. A skylight with sealing gasket for use with a curb, comprising:

- \ a frame defining an interior opening, the frame including an inner side surface that will face an outer surface of a curb when the frame is installed thereupon so as to define a first gap therebetween, the frame also including a bottom surface that will face an upper top surface of the curb when installed thereupon so as to define a second gap therebetween, the frame also including an inward protrusion defining a lip,

- at least one light transmitting section disposed within the frame; and

- a gasket carried by the frame, the gasket:

- disposable between the frame and the curb, and

- disposable between the light transmitting section and the curb, and

- including a main body portion, the main body portion disposed to contact the upper top surface of the curb to define a weather resistant seal therewith, and to contact the bottom surface of the light transmitting section to define a weather resistant seal therewith and to extend across the second gap when the frame is installed upon the curb to define a weather resistant seal therewith, and

- including a first arm extending from the main body portion, the first arm extendable across the first gap and contactable with the inner side surface of the frame when the frame is installed upon the curb to define a weather resistant seal thereto, and

a second arm extending from the main body portion and contacting the inner side surface of the frame to define a weather resistant seal therewith, the second arm contacting the lip, and

a third and fourth arm extending from the main body portion and contacting the bottom surface of the light transmitting section, and

a fifth arm extending from the main body portion and has first and second fingers extending therefrom, the first and second fingers of the fifth arm contactable with the upper top surface of the curb, and the fifth arm has a third finger extending in a direction opposite from the second finger, and

wherein the first arm, the tip of the second arm, the third arm, the fourth arm, the first finger of the fifth arm, and the second finger of the fifth arm are more flexible than the main body portion, the rest of the second arm, the third finger of the fifth arm, and the rest of the fifth arm.

23. A gasket for use in sealing a framed skylight to a curb, wherein a gap is defined between the skylight frame and the curb, comprising:

a main body portion, the main body portion disposable to contact an upper top surface of a curb and disposable to contact a bottom surface of a light transmitting section of a skylight,

a first arm extending from the main body portion, the first arm contactable with an inner side surface of a skylight frame and sealing the gap.

24. The gasket of claim 23, wherein the gasket has a second arm extended from the main body portion, the second arm contactable with the inner side surface of the skylight frame.

25. The gasket of claim 23, wherein the first arm is more flexible than the main body portion.

26. The gasket of claim 24, wherein the second arm has a tip that is more flexible than the rest of the second arm.

27. The gasket of claim 23, wherein the gasket has a third and fourth arm extending from the main body portion and contactable with the bottom surface of the light transmitting section of the skylight, the third and fourth arms are more flexible than the main body portion.

28. The gasket of claim 23, wherein the gasket has a fifth arm extending from the main body portion and contactable with the upper top surface of the curb.

29. The gasket of claim 28, wherein the fifth arm has first and second fingers extending therefrom contactable with the upper top surface of the curb, the first and second fingers are more flexible than the rest of the fifth arm.

30. The gasket of claim 29, wherein the fifth arm has a third finger extending in a direction opposite from the second finger, and wherein the first and second fingers are more flexible than the third finger and the main body portion.

31. The gasket of claim 24, wherein the second arm has at least one drainage opening therethrough.

32. The gasket of claim 23, wherein certain portions of the gasket are more flexible than other portions of the gasket.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Board of Patent Appeals and Interferences

In re Application of: Claes Lindgren, et al.

Group Art Unit: 3637

Serial No.: 10/612,386

Examiner: Phi Dieu Tran A

Filing Date: July 2, 2003

Customer No: 62507

Deposit Account No.: 50-3959

For: SKYLIGHT WITH SEALING GASKET

Attorney Ref.: 07650.00101

1. ☐ **NOTICE OF APPEAL:** Pursuant to 37 CFR § 41.31, Applicant hereby appeals to the Board of Appeals from the decision dated of the Examiner rejecting claims 1-32.
2. ☒ **BRIEF** on appeal in this application pursuant to 37 CFR § 41.37 is transmitted herewith.
3. ☐ An **ORAL HEARING** is respectfully requested under 37 CFR § 41.47 (due within one month after Examiner's Answer).
4. ☐ **REPLY BRIEF** under 37 CFR § 41.41(b) is transmitted herewith.
5. ☐ "Small entity" verified statement filed: ☐ herewith ☐ previously.

6. **FEE CALCULATION:**

Fee for Notice of Appeal
Fee for Appeal Brief
Fee for Oral Hearing Request
Fee for Reply Brief

Fees

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\$	_____
\$	_____

Petition is hereby made for extension of time
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Subtotal	\$	500.00
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The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

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Date: November 1, 2006



EXPRESS MAIL CERTIFICATE OF MAILING

In re Application of: Lindgren, et al.

Entitled: Skylight with Sealing Gasket

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Date: July 2, 2003

Attorney Reference No.: 07650.00101

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